

Instructions for Petition for Court Hearing on Reinstatement of Driver's License (Minn. Stat. § 171.19)

When to Use these Forms:

The Commissioner of Public Safety can revoke, suspend, cancel, or refuse a driver's license for various reasons stated in Minnesota Statutes Chapter 171. The Commissioner sends a letter telling the driver why the license is affected, and for how long. The driver may ask the court to review the Commissioner's decision and remove the driving restrictions (reinstate the license.) The "Petition for Hearing on Reinstatement of Driver's License" (court form CIV111) is the form to use to ask for court review and this form is available from the court administrator's office or on the Minnesota Judicial Branch website at <http://www.mncourts.gov/CMSPages/PortalTemplate.aspx?aliaspath=/GetForms&item=988&itemType=formDetails>.

You must prove to the court that you are entitled to reinstatement of your driving privileges under Minnesota law and it is not up to the Commissioner to justify his action. You must show or explain to the Court how the Commissioner acted contrary to the law or exceeded his authority, such as acting without an adequate factual basis.



Important Exceptions: Minn. Stat. § 171.19 does not apply when a driver's license is revoked or disqualified under section 169A.52 or 171.186. **DO NOT use this form if your license was suspended pursuant to Minn. Stat. § 171.186 because you owe child support or spousal maintenance, OR was revoked or disqualified pursuant to Minn. Stat. § 169A.52 because you failed or refused a chemical test of breath, blood or urine to determine intoxication.** If your license was revoked or disqualified for test failure or refusal and you want to petition the court for judicial review, you must file an Implied Consent Petition. The filing fee for filing a Petition for Hearing on Reinstatement of Driver's License (Minn. Stat. § 171.19), will not be refunded regardless of how the court decides.

Time Limits:

You have no more than 180 days to file the Petition with the court. However, if the suspension or revocation of your license is for less than 180 days, then you must file the Petition before the end of the suspension period. Look at the letter from the Department of Public Safety. It will include the date when your license suspension begins and the date the license is reinstated (unless permanently canceled.) The 180 days starts with the date the license suspension, revocation or cancellation begins.

If you file a Petition to have your license reinstated and the court denies your request, you must wait at least one year to Petition the court again. The wait is one year from the date of the court hearing.

Forms

You will be completing, serving, and filing 3 documents. These are:

- (1) Petition for Hearing on Reinstatement of Driver's License, (Court Form CIV111)

- (2) Affidavit of Service upon the Commissioner of Public Safety, (Court Form CIV112) and
- (3) Certificate of Representation and Parties (Court Form CIV102).

In addition, you must pay a filing fee plus county law library fee. If you cannot afford to pay court fees and costs, you may be able to have these fees and costs waived by filing an *Affidavit for Proceeding In Forma Pauperis* and proposed *Order Denying / Granting In Forma Pauperis*. Forms to ask to have the filing fee waived are available at court administration or on-line at the courts public website at <http://www.mncourts.gov/CMSPages/PortalTemplate.aspx?aliaspath=/GetForms&item=181&itemType=formDetails>. Complete the Affidavit for Proceeding In Forma Pauperis form and sign it before a notary public or court deputy and bring or mail it to court administration with your other completed forms. If the court orders that your fees be waived, service fees and copy fees will also be waived in addition to the filing fee.

The Steps

1. Complete the Petition for Judicial Review for Court Hearing on Reinstatement of Driver's License. Fill in the blanks on the Petition form, except for the blanks following "Court File No." and "Judicial Officer" which you must leave blank. You are the petitioner. The county is your county of residence in Minnesota. If you are not a resident of the state of Minnesota, then you may file the petition in any county in Minnesota. If you do not have enough lines to write all of the reasons for the court to reinstate your license, use another sheet of paper and staple it to the Petition.

You must sign the Petition in front of a notary public or deputy court administrator. You must show a photo identification card to the notary before signing your name.

2. Make 2 copies of the Petition after it has been signed and notarized.

3. Complete the Certificate of Representation and Parties. Fill in the information on the certificate. You are the petitioner. The respondent is the Commissioner of Public Safety, 445 Minnesota Street, Suite 1800, St. Paul, MN 55101. You may get a copy of the Certificate of Representation and Parties at the court administrator's office or on the Minnesota Judicial Branch website at: <http://www.mncourts.gov/CMSPages/PortalTemplate.aspx?aliaspath=/GetForms&item=162&itemType=formDetails>.

4. Complete service by mail upon the respondent. Ask a friend or family member to mail 1 copy of the Petition to the Commissioner of Public Safety. The person who mails the documents must be at least 18 years of age. You, the petitioner, cannot be the person who mails the documents to the Commissioner of Public Safety.

5. Complete the Affidavit of Service by Mail. The person who mails the envelope must fill in the blanks on the Affidavit of Service. Then the person must sign the affidavit in front of a notary public. This means before signing, the person shows a photo id to the notary and the notary watches the person sign the affidavit.

6. File the Petition with the court. Bring:

- the original Petition for Hearing on Reinstatement of Driver's License,
- the original Affidavit of Service,
- the original Certificate of Representation and Parties and
- the filing fee plus county law library fee,

to the civil filing counter at the court administrator's office in your county of residence. If you cannot afford to pay this amount, you may ask court staff for the forms to ask for a waiver.

7. After the case is filed, the court will send you and the Commissioner of Public Safety a notice of hearing with the name of the judge and a court date. The court date will depend on the judge's schedule, but it must be at least 18 days after the court sends the notice of hearing. On the court date, bring your evidence and witnesses. This is your time to present your arguments and prove to the court why you are entitled to reinstatement of your driving privileges. Wanting or needing a license, or not liking the suspension of your license is not an adequate reason for the Court to give your license back. If you fail to appear in person, the court may dismiss your case.